

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG

DOUGLAS N. GAER, Individually and on ) No. 3:10-cv-00081-JPB  
Behalf of All Others Similarly Situated, )  
Plaintiff, ) CLASS ACTION  
vs. ) The Honorable John Preston Bailey  
AMERICAN PUBLIC EDUCATION, INC., et ) JOINT SCHEDULING STIPULATION  
al., )  
Defendants. )  
\_\_\_\_\_  
)

Lead Plaintiffs, City of Miami Fire Fighters' and Police Officers' Retirement Trust (the "Retirement Trust") and Douglas Gaer, and American Public Education, Inc., Wally Boston Jr., Frank B. McCluskey, and Harry T. Wilkins (collectively, "Defendants") hereby enter into this Scheduling Stipulation and [Proposed] Order and state as follows:

1. On November 10, 2010, this Court issued an Order appointing the Retirement Trust and Douglas Gaer as Lead Plaintiffs ("Lead Plaintiffs").
2. On August 27, 2010, this Court signed a Stipulation For Extension of Time to Answer, Move or Otherwise Respond, whereby all parties agreed that within fifteen (15) days from the Court's appointment of Lead Plaintiffs, the parties would submit a mutually agreeable proposed scheduling order. In light of the foregoing:

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for Lead Plaintiffs and Defendants, that:

1. Lead Plaintiffs shall file a consolidated complaint within sixty (60) days from the date the Court enters an Order or otherwise approves this Joint Scheduling Stipulation;
2. Defendants shall answer or otherwise respond to the consolidated complaint no later than forty-five (45) days after Lead Plaintiffs' consolidated complaint is filed;
3. If Defendants' response to the consolidated complaint is a motion to dismiss, Lead Plaintiffs shall respond to the motion to dismiss within forty-five (45) days after it is filed; and
4. If Defendants file a motion to dismiss, Defendants shall file their reply in support of that motion within twenty (20) days after Lead Plaintiffs file a response.

**IT IS SO STIPULATED.**

DATED: November 15, 2010

STEVEN F. WHITE PLLC  
STEVEN F. WHITE (SBID #4021)

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/s/ Steven F. White  
STEVEN F. WHITE

405 Capitol Street, Suite 908  
Charleston, WV 25301  
Telephone: 304/720-1400  
304/346-6731 (fax)

*Liaison Counsel*

ROBBINS GELLER RUDMAN & DOWD LLP  
DAVID J. GEORGE (*pro hac vice pending*)  
ROBERT J. ROBBINS (*pro hac vice pending*)  
120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
Telephone: 561/750-3000  
561/750-3364 (fax)

*Lead Counsel for Plaintiff*

DATED: November 15, 2010

STEPTOE & JOHNSON PLLC  
ERIC J. HULETT (W.V. BAR #6332)

*/s/ Eric J. Hulett*

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ERIC J. HULETT

1250 Edwin Miller Blvd., Suite 300  
Martinsburg, WV 25404  
Telephone: 304/262-3519  
304/262-3541 (fax)  
[eric.hulett@steptoe-johnson.com](mailto:eric.hulett@steptoe-johnson.com)

*Counsel for Defendants*

HOGAN LOVELLS US L.L.P.  
MARK D. GATELY  
STEVEN F. BARLEY  
SCOTT R. HAIBER  
100 International Drive, Suite 2000  
Baltimore, MD 21202  
Telephone: 410/659-2700  
410/659-2701 (fax)  
[mark.gately@hoganlovells.com](mailto:mark.gately@hoganlovells.com)

*Counsel for Defendants*

\* \* \*

**ORDER**

IT IS SO ORDERED.

DATED: \_\_\_\_\_

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THE HONORABLE JOHN PRESTON BAILEY  
UNITED STATES DISTRICT CHIEF JUDGE

## Mailing Information for a Case 3:10-cv-00081-JPB

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Steven F. Barley**  
steve.barley@hoganlovells.com
- **Carl N. Frankovitch**  
carln@facslaw.com
- **Mark D. Gately**  
mark.gately@hoganlovells.com
- **Scott R. Haiber**  
scott.haiber@hoganlovells.com
- **Eric J. Hulett**  
eric.hulett@steptoe-johnson.com,maryfaith.suarez@steptoe-johnson.com
- **Steven F. White**  
wvstevwhite@yahoo.com

### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

**Stephen H. Cypen**  
Cypen & Cypen  
Suite 320  
777 Arthur Godfrey Road  
Miami Beach, FL 33140

**Lewis Kahn**  
Kahn Swick & Foti, LLC  
206 Covington Street  
Madisonville, LA 70447

**Tricia L. McCormick**  
Robbins Geller Rudman & Dowd LLP  
Suite 1900  
655 West Broadway  
San Diego, CA 92101

**Kim Miller**  
Kahn Swick & Foti, LLC  
Suite 1810  
500 Fifth Avenue  
New York, NY 10110

**Darren J. Robbins**  
Robbins Geller Rudman & Dowd LLP  
Suite 1900  
655 West Broadway  
San Diego, CA 92101